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15 UNITED STATES DISTRICT COURT

16 DISTRICT OF NEVADA

17 NICAELA M. BIER, individually, as
18 heir, and as Personal Representative
19 and Administratrix of the Estate of
RYDER MICHAEL ROSS; and
20 JOSHUA J. ROSS, individually and as
heir;

Case No. 2:24-cv-00291-CDS-BNW

**STIPULATION AND
PROPOSED ORDER TO STAY
DISCOVERY**

21 Plaintiffs,

v.

22 ASHLEY FURNITURE INDUSTRIES,
LLC, a Foreign Limited-Liability
23 Company; ASHLEY DISTRIBUTION
SERVICES, LTD., a Foreign Limited

1 Company; ASHLEY GLOBAL RETAIL,
2 LLC, a Foreign Limited-Liability
3 Company doing business as ASHLEY
4 FURNITURE HOME STORE and/or
5 ASHLEY HOME STORE; PAULA
6 ANDREWS, an individual; DOES 1
7 through 30, inclusive; ROE BUSINESS
8 ENTITIES 1 through 30, inclusive,

9
10 Defendants.
11

12 Plaintiffs NICAELA M. BIER and JOSHUA J. ROSS (“Plaintiffs”), and
13 Defendants ASHLEY FURNITURE INDUSTRIES, LLC, ASHLEY
14 DISTRIBUTION SERVICES, LTD., ASHLEY GLOBAL RETAIL LLC doing
15 business as ASHLEY FURNITURE HOME STORE and/or ASHLEY HOME
16 STORE, (“Defendants”), by and through their respective counsel of record,
17 hereby stipulate and request an order staying discovery in this matter pending
18 resolution of: (1) Plaintiffs’ Motion to Amend Complaint (ECF No. 11) and (2)
19 Plaintiffs’ Motion to Remand (ECF No. 12).

20 On July 26, 2023, Plaintiffs Nicaela M. Bier and Joshua J. Ross filed a
21 Complaint in Clark County District Court, Case No.: A-23-874654-C. Defendant
22 removed the case to the United States District Court on February 12, 2024
23 (ECF. No. 1). On March 14, 2024, Plaintiffs filed a Motion for Leave to Amend
24 Complaint (ECF No. 11) and on March 18, 2024, Plaintiffs filed a Motion to
Remand (ECF No. 12).

The parties have not yet conferred under Fed. R. Civ. P. 26(f) or initiated
discovery in the federal court action. This court has not yet entered any
discovery plan or scheduling order.

1 The parties agree that no prejudice will result by granting the stipulation
2 to stay discovery at this juncture. In order to avoid the hardship or inequity the
3 parties would suffer were the case to immediately proceed, the parties agree
4 and stipulate to stay discovery in this action pending the Court's decision on (1)
5 Plaintiffs' Motion to Amend Complaint (ECF No. 11); and (2) Plaintiffs' Motion
6 to Remand (ECF No. 12). Staying the discovery in this proceeding will prevent
7 unnecessary costs and resources from being expended on discovery disputes
8 that will likely arise were the case to move forward while these motions are
9 pending. It will also almost certainly result in economies and efficiencies for
10 both the parties and the Court upon the Court's decision(s).

11 IT IS HEREBY STIPULATED by and between Plaintiffs and Defendants
12 as follows:

13 1. Discovery shall be stayed pending decision on Plaintiffs' Motion to
14 Amend Complaint (ECF No. 11); and (2) Plaintiffs' Motion to Remand (ECF No.
15 12).

16 2. Upon the Court's order(s) resolving both motions, discovery shall
17 commence, and the parties will file a proposed Discovery Plan and Scheduling
18 Order within fourteen (14) calendar days after the lifting of the stay.

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1 Based on the foregoing, the parties respectfully request that the Court
 2 enter an order to stay discovery.

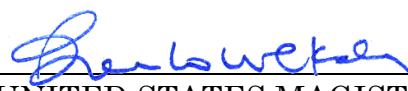
3 DATED this 16th day of April, 2024.	3 DATED this 16th day of April, 2024.
4 CLAGGETT & SYKES LAW FIRM	4 GORDON REES SCULLY 5 MANSUKHANI, LLP
5 <i>/s/ Brian Blankenship</i>	5 <i>/s/ Brian K. Walters</i>
6	6
7 Brian Blankenship, Esq. 8 Nevada Bar No. 11522	7 Brian K. Walters, Esq. 8 Nevada Bar No. 9711 9 Craig A. Jacobson 10 Admitted <i>Pro Hac Vice</i> 11 Attorneys for Defendants
12 Brett A. Carter, Esq. 13 Nevada Bar No. 5904 14 BERTOLDO CARTER SMITH & 15 CULLEN 16 <i>Attorneys for Plaintiffs</i>	12

11 **ORDER**

12 IT IS HEREBY ORDERED that the discovery in this matter is stayed
 13 pending the Court's decision on (1) Plaintiffs' Motion to Amend Complaint (ECF
 14 No. 11); and (2) Plaintiffs' Motion to Remand (ECF No. 12).

15 IT IS FURTHER ORDERED the parties will submit to the Court a
 16 proposed Discovery Plan and Scheduling Order within fourteen (14) calendar
 17 days after the lifting of the stay.

18 IT IS SO ORDERED.

19
 20 
 21 UNITED STATES MAGISTRATE JUDGE

22 **DATED: 4/17/2024**